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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 321st MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 26 September 1996, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Nigeria (CRC/C/8/Add.26; CRC/C.12/WP.4)

1. At the invitation of the Chairperson, Mrs. Attah, Mr. Abuah, Mrs. Ali, Mr. Waminaje, Mr. Nzeako, Mrs. Holloway, Mrs. Mowoe, Mr. Adeyami, Mr. Indabawa, Mr. Gwam and Mr. Fasehun (Nigeria) took places at the Committee table.

2. Mrs. ATTAH (Nigeria) said that the importance Nigeria attached to the rights of the child was evident from the fact that it had been one of the first African countries to ratify the Convention shortly after its adoption. Since entry of the Convention into force in Nigeria on 19 May 1991, the Federal Government had used that instrument as a guide in implementing child rights; its tenets had been embodied in all national laws and constitutions. The Ministry of Women's Affairs and Social Development, which she headed, had responsibility for monitoring the implementation of its provisions. The Federal Government reaffirmed its commitment to the Convention and had provided written replies to the 49 questions submitted by the Committee in the list of issues (CRC/C.12/WP.4).

3. Having reviewed her country's situation, climate, population make-up and economy, she said that, as far as political and administrative structures were concerned, the Federal Republic was made up of 30 States and the Federal Capital Territory of Abuja. There were three tiers of government - Federal, State and local. The Federal Government was responsible for defining, establishing, monitoring and evaluating national policies, while the role of the States was to implement those policies in their own jurisdictions. A number of activities, such as health, social welfare and education, were under the joint responsibility of Federal, State and local Governments. The Federal and State Governments operated public affairs administratively through ministries and parastatals, which were also responsible for the coordination of development planning and programming and the coordination of technical development. The local Government authorities, through five statutory departments, took care at the local level of such basic services as works, agriculture, community development, information, education and health. In recent years, declining Government revenues and rising costs had led to cutbacks in Government expenditure, especially on social services. Some fees were having to be charged for primary education and medical care. The structural adjustment policy being carried out under IMF auspices had resulted in the loss of thousands of jobs.

4. In addition to current economic problems, the socio-cultural complexities resulting from the country's multi-ethnic composition and religious diversity had important implications for child rights monitoring in Nigeria in view of the profound influence exerted by the social system on child development. Following independence in 1960, various national policies and programmes had been established to advance child survival, notably the 1981 National Policy on Education, the 1988 National Policy on Population, the 1989 Social Development Policy for Nigeria and the 1991 National Policy on Health. The

Better Life Programme, inaugurated in 1987 and formalized by Decree 42 of 1992, was a major Government programme to promote maternal and child care, while the Family Support Programme had been established in 1994 to alleviate the suffering of the poor.

5. The Federal Government was taking measures to bring national laws and policies into harmony with the provisions of the Convention. The principal administrative and legal instruments for the protection of children were listed in paragraphs 8 and 9 of the report. Of those instruments, the draft Children's Decree, drawn up in 1993, revised in 1996 and due for adoption shortly and incorporation into municipal laws subsequently, would, together with other provisions to enforce and incorporate the Convention on the Rights of the Child, the OAU Charter on the Rights and Welfare of the Child and the Beijing Rules into the Nigerian legal system, define a child as any human being under 18 years in accordance with article 1 of the Convention. The present limiting age under the 1989 National Child Welfare Policy was 12 years. The effect of the new definition would be to make it mandatory for parents, legal guardians and society to provide their children up to the age of 18 with proper education and to protect them from exploitation arising from early marriage, employment and any negative influence that might infringe their rights.

6. Other mechanisms and structures at the Federal, State and local levels to coordinate and monitor the implementation of the Convention were described in paragraphs 10 to 17 of the report. They included the Mass Mobilization for Social Justice, Self-Reliance and Economic Recovery (MAMSER), now called the National Orientation Agency (NOA), the National Commission for Women, the Federal Ministry of Women's Affairs and Social Development established in 1995 to oversee, inter alia, programmes relevant to the protection and promotion of child rights in all ministries, organizations and agencies, and the National Child Rights Implementation Committee. Events, media and non-governmental activities designed to generate public awareness of child rights were described in paragraphs 24 to 26 of the report. The annual Day of the African Child and the National Children's and Youth Day Celebration focused on a different aspect of child rights each year; the emphasis in 1996 was on street children.

7. The issue of legitimacy and legal provisions to protect children from unlawful prosecution were covered in paragraphs 33 to 36 of the report. The Nigerian Constitution protected and respected the fundamental rights of all citizens, adults and children alike. The existing provisions were reviewed in section IV of the report, but a number of amendments would be introduced following the adoption of the draft Children's Decree. The situation of economic, social and cultural rights, especially education, was covered in section VII of the report. In addition to primary and secondary education, the Federal and State Governments provided special education for the physically and mentally handicapped, as well as for gifted children. An early childhood education project had been launched in cooperation with agencies such as UNICEF and UNESCO and educational institutions in Nigeria. It focused mainly on the establishment of day-care centres to stimulate model health-care approaches for infants and preschool children in rural and urban areas. It was informal, low-cost, community-based and targeted at families of less than average means.

8. However, there were still shortcomings in meeting Nigeria's obligations under the Convention. Dwindling financial resources had been a major cause of the Federal Government's inability to continue to fund many projects aimed at enhancement of the rights of the child. Special education and the system of free and compulsory primary education launched in 1976 could not be said to be well funded. Although the Labour Act protected children in employment from exploitation, economic and socio-cultural factors had compelled many children to engage in economic activities to assist their families. Measures were currently being taken to discourage the much criticized practice of sending children out to beg. Certain traditional practices such as discriminatory practices against girls, superstitious beliefs, early marriage, female circumcision in certain States, high bride prices, inheritance, widowhood practices, street trading, and tribal marks and tattoos, which had been in existence for countless years and would be difficult to change overnight, militated against the implementation of some of the provisions of the Convention. The Ministry of Women's Affairs and Social Development had therefore applied to the advisory services and technical assistance programme of the Centre for Human Rights for assistance in solving some of those problems with a view to helping Nigeria to meet its obligations under the Convention.

9. Mrs. BADRAN, welcoming the existence of a Ministry of Women's Affairs and Social Development within the Federal Government, asked what posts women actually filled in the senior levels of Government and particularly in local Government.

10. What action was being taken in Nigeria to minimize the impact of structural adjustment policies on child rights? Had plans been made at the outset to ensure that such policies had no adverse effect on children or was action taken only when undesirable consequences became apparent? One frequent effect of structural adjustment was an increase in the school drop-out rate as families became unable to keep children in education. She noted that Nigeria had been implementing some programmes for drop-out children.

11. How was allowance made for the ethnic diversity of the Nigerian population in children's programmes?

12. Did the National Child Rights Implementation Committee have a monitoring system in place and operating at the present time? Had Nigeria noticed any positive changes in child monitoring indicators since its ratification of the convention almost five years previously?

13. Mr. HAMMARBERG said the presence of such a high-level delegation was a welcome sign of the degree of importance the Nigerian Government attached to child rights. In view of the wide range of committees and structures concerned with child rights in Nigeria, it was difficult for the Committee to assess the relative roles of the various bodies. Could some indication be given of the design of the overall system and the links between the various parts? How was information exchanged between local, State and Federal levels and which body was responsible for monitoring the implementation of children's rights? Who discussed the reports of that monitoring body and what action was taken as a result at the various levels of Government? What control was exercised over the various bodies to which powers were delegated to ensure

that an overall picture of the action being taken was always available? Which body was responsible for maintaining a dialogue with civil society and with non-governmental organizations working in the field of children's rights? Nigeria had a military Government; what priority was it giving to the situation of children and what avenues of influence were open to the civil authorities to persuade the military leadership to give priority to the needs of children?

14. With reference to Nigeria's economic situation, he noted that UNICEF published an annual report which, inter alia, listed the performance gap - the relationship between infant mortality and GNP - for various countries. Nigeria came very low down on the scale of performance in comparison with other countries, and that indicated that insufficient resources were being invested in action that would improve that indicator. Furthermore, within the limits of Nigeria's resources, it would appear that the proportion of the national budget allocated to education and health was low in comparison with neighbouring countries in Africa. Was any consideration being given to the problem of the proportion of the budget allocated to child-related expenditure? Was there any process during preparation of the budget whereby there could be some discussion of whether the allocation proposed was sufficient in relation to children's needs?

15. Firm action had to be taken and comprehensive programmes adopted to deal with the negative consequences of public attitudes towards certain customs such as female circumcision. He requested the delegation to explain to what extent the Nigerian Government had involved community and political leaders in programmes aimed at eliminating prejudices.

16. Mrs. SARDENBERG expressed concern about the lack of follow-up action to ensure that the rights of the child were integrated into Government policy. She asked whether the functions of the Ministry of Women's Affairs and Social Development overlapped with those of previously established bodies and how it liaised with other ministries.

17. She would also like to know how powers were shared between the civilian Chairmen of Local Government Councils and the Provisional Ruling Council.

18. She asked about the status of the draft Children's Decree, as referred to in paragraph 9 (f) of the report, and about the prospects for its adoption.

19. The Government's relationship with non-governmental organizations was also of interest to the Committee and she wondered whether there was a permanent mechanism for consultations with such organizations.

20. Mrs. KARP said she understood that, for various reasons, the implementation of the Convention in Nigeria was a difficult task. That situation was further complicated by the fact that Nigeria was a federation. She would therefore like to know what steps had been taken in order to ensure that a unified approach was adopted towards legislation concerning children and to guarantee consistency in the implementation, coordination and monitoring of the Convention in each State. What obstacles had prevented Nigeria from enacting legislation on the 1993 draft Children's Decree and what could be done to remove them?

21. Miss MASON said that she would like information on the participation of children in the various committees established for the implementation of the Convention. There was some similarity in the composition of the membership of the National Child Rights Implementation Committee and that of the National Task Force on the Girl Child and she asked the Nigerian delegation to explain how those two bodies coordinated their activities.

22. Referring to the Child Welfare Department and the National Commission for Women mentioned in paragraph 14 of the report, she asked whether such bodies were adequately staffed and had sufficient authority and funding.

23. As the potential for disparities between States was a matter of concern she was curious to know how much weight was carried by laws adopted by States, as opposed to legislation enacted by the Federal Government, particularly in view of the fact that Nigeria was governed by military decrees. She also asked about the role of customary law within the hierarchy of the legislative system.

29. The Social Welfare Department, the body responsible for the monitoring of children's rights, had been shifted between various ministries, but had eventually become part of the Ministry of Women's Affairs and Social Development. It was making every effort to deal with the backlog of work which had resulted from those changes. Its specific mandate was to liaise

with other ministries on issues relating to women, the family and children. It could therefore take action on all aspects of the implementation of the Convention.

35. She was pleased to report that her Government enjoyed close cooperation with NGOs, which were regularly consulted on major policy issues. That cooperation had been introduced only a short time earlier and the numbers and involvement of NGOs were increasing.

36. The problem of female circumcision was not as extensive in Nigeria as it was made out to be. She knew of only three subtribes that engaged in the practice, although the mass media gave the impression that it applied to all women. Such attention by the press could help to raise public awareness, but, at the same time, exaggeration could have a negative effect. Women themselves, who had been specially targeted, were already aware. Even in the areas where the practice existed, mothers did not want their children to go through the same ordeal. No matter how small the number of girls involved, efforts would nevertheless be made to stop the practice. Legislation would

not be enough; the struggle must be taken to the villages, where local leaders must be persuaded to help eradicate it. Her Ministry had already commissioned a study to delineate precisely the areas affected so that they could be directly targeted.

37. Her Ministry was responsible for coordination in all areas. It worked in concert with the State Governments and they in turn worked in concert with the local Governments and ward leaders. As soon as the Children's Decree had been enacted, it would be put into effect in that way. In a speech he had made during the celebration of the Day of the African Child, the Head of State had said that he hoped to sign the Decree very soon. Both the Day of the African Child and the National Children's Day were celebrated at the federal level, with groups of children being invited from each State, and also at the State level, with special publications and radio programmes. The topic chosen for the 1996 National Youth Day had been "street children" and there had been much public interest and discussion. It had been realized that many children who should be in school had taken to the streets to help support their families through the time of hardship.

38. Once the Children's Decree had been adopted, her Ministry would be responsible for publishing and distributing it on a large scale. Copies would be sent to universities and secondary schools and a simplified version would be delivered at the local Government level so that men and women everywhere could be informed of its provisions. It was hoped that some of the States would translate the Decree into their local languages. Special workshops would be organized for police and magistrates and all those who worked with children. To some extent, attitudes towards the rights of children were already changing. People were beginning to realize that some of the things that had been done were no longer acceptable. The effort must continue, being concentrated at the grass-roots level.

39. Budgets for social services differed from State to State, depending largely on whether they were rich or poor. The Federal Ministry, however, was ready to assist needy States in carrying out specific projects.

40. Replying to Miss Mason, she said that the children themselves did participate. There was a national television programme, "Speak out", in which children had an opportunity to express their views on various issues. Efforts would have to be made to make such opportunities available at the village level.

41. Despite the financial disparities among States, there would be a unified approach to enhancing the rights of the child and the Federal Government would step in wherever it was necessary for it to do so. There would be no State laws contrary to federal laws.

42. The CHAIRPERSON said that the Nigerian delegation's response to the Committee's questions had been positive and detailed. She was glad to know that all children's problems were regarded as important, no matter how few the numbers involved, and that efforts were being made to establish statistics and a data bank. She would like to have a further explanation of two particular points: first, the reasons for the delay in signing the Children's Decree and, secondly, the place of customary law in the overall legal system.

43. Mr. ADEYEMI (Nigeria) said that some of the delay in the implementation of the rights of the child was explained in the initial report. The topic had been transferred from the National Committee on Women and Children to the National Commission for Women and lastly to the newly created Ministry of Women's Affairs and Social Development. The Ministry, which had first had to establish itself, had produced a final draft of the Children's Decree and planned a series of operating mechanisms. That text had now been referred to the Presidency for signing into law. The President had pledged, on the Day of the African Child, that he would sign the Decree.

44. Customary law and statute law operated side-by-side, but, wherever there was conflict between them, statute law prevailed. That system had been in operation in Nigeria for over a century. Customary law could be changed, however, either by means of a declaration or through conversion into statute law. Customary law that did not comply with acceptable standards would not be enforced by the courts. The Children's Decree, which sought to change unacceptable customs, would apply nationally and would serve as an instrument for implementing the provisions of the Convention and the OAU Charter on the Rights and Welfare of the Child. Under the Nigerian Constitution, only the Federal Government had the power to legislate in order to bring the provisions of a treaty into force. Such legislation, once enacted, applied throughout the country. The Decree would thus give the Convention and the Charter the force of law and all States of the Federation would be bound by its provisions. There could be some local variations in the operation of those provisions, but no change could be made in the principles embodied in the Decree.

45. Mrs. KARP said that her question about the relationship between the Federal, State and local levels had been meant to clarify the situation in which a State which did not possess a particular law or programme was required to introduce a policy devised by the Federal Government. There was no description in the report of the situation in the different States, so no comparison could be made between the overall situation of children in one State or locality and that in another. Some of the proposed mechanisms were only plans, describing what was envisaged for the future. She would like to know what happened in daily life if the Federal Government decided on a certain policy or programme. How could the Government verify, through the local authority, that the programme was working? Through budgetary allocations and in other ways, could it determine how policies and programmes were implemented? She was anxious to know the real impact at the present moment, on daily life in the States or local authority areas, of decisions by the Federal Government.

46. Mr. HAMMARBERG said that much of the concern felt by the Committee related to the degree of priority actually attached to children's rights by the Government. That was why questions had been asked about the relationship between the Military Councils and the civilian Governments. In a situation where the spirit of the Convention demanded a change of attitude among the people at large; there would seem to be a need for powerful personalities to take a stand in favour of certain changes. Otherwise, delay ensued, responsibilities were shifted from ministry to ministry, while all the time

the indicators gave warning signs of real trouble. There needed to be a determination at the highest level of Government not to allow things to drag on.

47. Basically, the question was "What priority does Nigeria give to its children?". The delegation had offered to find out what budgetary resources were actually going to health, education and social services directed towards children. That information was crucial. A key article of the Convention spoke of the "maximum extent" of available resources being directed to the implementation of the economic, social and cultural rights of children. For a real picture of the situation, the Committee needed figures, not only for the current year, but showing trends at the local and national levels. Extrabudgetary resources, such as contributions from the Petroleum Trust Fund should also be part of the picture. If the Government took the matter as seriously as it should, allocating those extra resources to children would be the obvious thing to do. None of these things were clear from the report. The Committee should take advantage of the presence of the person directly responsible for children's affairs in Nigeria to ask her for her own assessment of priorities and the strategy for achieving them, which was absent from the report.

48. Mrs. BADRAN said that the report showed not only disparity between the sexes in terms of education, but serious disparities between States. The Committee had been told that, naturally, State revenues differed, but that Federal Government was trying to balance the situation. She asked how it was doing that. Was the Government simply providing money or attacking poverty at the roots by providing income-generating assets?

49. On the question of female circumcision, she felt that Nigeria might profit from her own country's experience. The Egyptian Government had for some time been very hesitant to enact legislation prohibiting the practice, but, recently, a "Ministerial Decree", not actually a law, had been issued which had proved very effective. The performance of the operation had been prohibited in all State health units. Since that step forward, measures were being studied to prevent not just doctors in health units, but anyone from performing it. Legislation was being drafted to ensure that the prohibition would be monitored and an appropriate penalty imposed. It took a long time to change attitudes through advocacy and education and legislation could be a powerful stimulus.

50. Mrs. SARDENBERG asked what possibility was open to State and local Governments, which were closer to the people, to influence policy at the Federal level. How was their input regarding the situation in the field incorporated in Federal decision-making? The Committee had been told that the Ministry had a good relationship with NGOs, but she had the impression that there was a certain lack of focus. The implementation of the Convention could be an occasion for bringing the Ministry and NGOs closer together. For instance, they could help in disseminating the Convention. It was important to have a comprehensive approach, but a strategy for bringing one about seemed to be lacking. References had been made to the power of women in local communities to bring about changes in attitude. She asked whether there was any strategy for utilizing that power in order to implement the Convention.

51. Miss MASON said that she too was concerned about disparities among States within the federal system. She accepted that the Federal Government determined policy, which then filtered down to the various levels. The Committee had been told that State laws could not contradict Federal laws, but she would like to know the position when State legislations differed among themselves. Did the Federal Government step in to equalize such situations or was the disparity allowed to continue? She hoped that, by the time the delegation returned to Lagos, the Children's Decree would have been signed and the Committee's criticism of the current system would have been nullified or negated.

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regard to education and it was true that, in some areas, the education of girls lagged far behind that of boys, for traditional rather than religious reasons. The Ministry of Education was therefore targeting those States and efforts were being made to solve the problem: in one State, for instance, withdrawing girls from school for the purpose of marriage had now been banned. There were considerable variations from State to State because of ethnic differences and differences in tradition.

57. In reply to the question on budgetary allocations, she said that the Federal Government provided substantial assistance to States for education. Grants were given not only to States which were less developed to help them build more schools in rural areas, but also to more advanced States to encourage children to continue their schooling. However, the Federal Government had no real say in how those grants were spent.

58. Both the Federal Government and the state Governments gave the highest priority to education. Her Ministry believed that education, and particularly education of the girl child, was the key to the solution of many problems that were hindering women's development.

59. It had been asked what steps had been taken to ensure that the Children's Decree was adopted. The fact that Nigeria was a military regime, and that there were no opposition parties to cause delays, facilitated that process. Once the Decree had been approved at the highest level, both State governments and local Governments were obliged to implement it. She added that there was no way a local Government could influence Government policy directly. The Ministry of Local Government held periodic meetings at which issues of concern at local level could be raised and the Ministry would then take up those issues with the Federal Government, so that the channel of communication was an indirect one. She assured the Committee that Nigeria gave the very highest priority to the welfare of its children.

60. Reference had been made to the role that could be played by NGOs; in fact, the Ministry was using them to help implement programmes on women's rights through workshops and through broadcasts in the mass media. The Government was working in close consultation with UNICEF, which had done valuable work in Nigeria.

61. Mrs. ALI (Nigeria), replying to the question on what had been done to make the Convention more widely known, said that the Ministry of Education had published a handbook entitled "Nigeria and the Rights of the Child", which was an integrated version of the Convention and the OAU Charter on the Rights and Welfare of the Child. That handbook had been widely circulated with the help of UNICEF and, in addition, a simplified version of the Convention had been disseminated to schools throughout the country. The Ministry of Information and Culture, in collaboration with UNICEF, was now in the process of translating both instruments into Nigeria's three major languages.

62. Mr. ADEYEMI (Nigeria), replying to the concern expressed by Miss Mason about the fact that the Convention needed an enabling act before it could come into operation, said that the Constitution laid down that no treaty could have the force of law until it had been enacted into legislation by Parliament. In

the present case, the Children's Decree would function as an enabling act: once it had been published, it would bring into effect both the Convention and the OAU Charter on the Rights and Welfare of the Child.

63. Mrs. ATTAH (Nigeria) added that the Government was doing all it could to ensure that the Children's Decree came into effect as soon as possible, at least by the end of the year.

64. The CHAIRPERSON said the discussion had highlighted the importance of encouraging the process of decentralization in Nigeria so that more responsibility could be assumed at the local level for promoting the rights of the child. It had also highlighted the need to identify clearly programmes specifically designed to further the interests of the child so that the success of those programmes could be evaluated. The Committee believed it was important that the subject of the Convention should be systematically included in the curricula of schools, colleges and training institutions.

65. Mrs. KARP said she would appreciate an answer to her question about the Children's Trust Fund. In addition, she would like to know how many copies of the Convention had been disseminated and whether any study had been made of how many children were aware of its existence.

66. Mrs. ATTAH (Nigeria) said the Nigerian Institute for Advanced Legal Studies had made a study on the extent of awareness on the part of both children and adults of the rights of the child, which included figures. That study could be made available to the Secretariat.

67. Mr. WAMINAJE (Nigeria) said the Children's Trust Fund, which was in part financed by public contributions, was designed to assist children in distress as a result of emergencies. Recently, for example, when children had been made homeless by a local conflict in which many houses had been burned down, some one-fifth of the total resources of the Fund had been released to provide them with health facilities, medication and clothing.

68. Mr. HAMMARBERG recalled that he had earlier asked whether the Government had any overall strategy with regard to the rights of the child.

69. Mrs. ATTAH said she had already explained that high priority was given to education as a means of solving problems hindering women's development.

70. Mrs. KARP said she would like to know how education programmes were designed in relation to the very wide spectrum of children's rights provided for in the Convention. To what extent were they integrated with programmes for children in other fields, such as health?

71. Mr. HAMMARBERG pointed out that although children's rights and women's rights were closely linked, they were not identical. He hoped that that point could be borne in mind during the remainder of the discussion.

The meeting rose at 1.05 p.m.